

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 3/27/03.

I. DISPUTE

Whether there should be reimbursement for the purchase of a treadmill by the injured worker on 4/8/02.

II. RATIONALE

Rule 134.600 (b)(1) states, "The insurance carrier is liable for all reasonable and necessary medical costs relating to the health care required to treat a compensable injury... when...

- (B) preauthorization of any health care listed in subsection (h) of this section was approved prior to providing the health care;"

Rule 134.600 (h) states, health care requiring preauthorization includes...(i)

- (11) All durable medical equipment (DME) in excess of \$500.00..."

The documentation submitted by the requestor does not support that the disputed treadmill was preauthorized prior to purchase. The purchase was reviewed by the carrier on two separate occasions after the purchase and both times denied for lack of medical necessity.

Per Commission Rule 133.307 (e)(2)(A-B), "

- 2) Each copy of the request shall be legible, include only a single copy of each document, and shall include...

- (B) a copy of each explanation of benefits (EOB) or response to the refund request relevant to the fee dispute or, if no EOB was received, convincing evidence of carrier receipt of the provider request for an EOB;"

EOBs were not submitted by either the requestor or respondent. The requestor failed to submit documentation supporting that the EOB had been requested of the respondent. On this basis, reimbursement is not recommended.

III. DECISION & ORDER

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is not** entitled to reimbursement for the treadmill purchased by the injured worker on 4/8/02.

The above Findings and Decision are hereby issued this 5th day of January 2004.

Noel L. Beavers
Medical Dispute Resolution Officer
Medical Review Division

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